

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

KEVIN LEIGH WILLIAMS

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:17CV508-LRA

**DEPUTY SHERIFF TONY ALEXANDER,
DEPUTY SHERIFF BRANDON WILLIAMS,
and CORRECTIONS DEPUTY DERA MOLA**

DEFENDANTS

ORDER

This matter came before the Court on the Plaintiff's Motion Requesting Additional Discovery [Doc. #71]. By this Motion, the Plaintiff, Kevin Williams, has requested evidence of his claim of excessive force. In response, the Defendants maintain that they have already produced much of what Williams requested, and much of what he has requested is not in their custody or control. They also argue that they cannot respond to Williams's request for a list of officers who maintain detention logs and/or copies of logs because Williams has not identified the shift during which the incident of excessive force occurred. The response is signed by counsel for the Defendants.

The Court construes Williams's Motion to have the effect of a Motion to Compel Interrogatory Responses from the Defendants. The Federal Rules of Civil Procedure apply to cases brought by prisoners under 42 U.S.C. § 1983. *Hardwick v. Ault*, 517 F.2d 295, 298 (5th Cir. 1975). FED. R. CIV. P. 33(b)(5) requires responses to interrogatories to be signed by counsel *and* by "[t]he person who makes the answers." The Defendants will be required, therefore, to re-submit their responses to Williams's requests in accordance with Rule 33(b)(5).

The Defendants have stated that they cannot produce the list of officers requested by Williams because Williams has not specifically identified the shift during which the excessive

force incident occurred. Williams will be required to supplement his Motion with that information.

IT IS, THEREFORE, ORDERED, as follows:

1. On or before June 23, 2020, Williams will file a supplement to his Motion Requesting Additional Discovery, specifying the shift on which the alleged incident occurred.
2. Within 10 days of Williams's supplementation, the Defendants will file and serve a supplement to their Response to Williams's Motion, which shall include a signed statement from the person who provided the information on which the Defendants based that Response.
3. After the receipt of both supplements, the Court will rule on the Motion Requesting Additional Discovery.

IT IS SO ORDERED, this the 8th day of June, 2020.

/s/ Linda R. Anderson
UNITED STATES MAGISTRATE JUDGE\